

## **Response to the First Office Action – 10/632,020 (Illuminated Tap Handle)**

A First Office Action was issued on December 16, 2004 in Application Number 10/632,020. In the Office Action, the Examiner:

- Objected to informal drawings and requested they be made formal
- Objected to the Specification because of some informalities
- Objected to Claims 5 and 9 because of some informalities
- Rejected claims 5-7 based on §102(b)
- Rejected claim 8 based on §103
- Allowed claims 1-4 and 9-12 if the informalities were corrected

Below, please find responses to each and every rejection and objection stated by the Examiner.

### **Response to Objections to Drawings**

The Examiner in the First Office Action objected to Figures 1 and 2, "as failing to comply with 37 C.F.R. 1.84(p)(4) because reference character '6' has been used to designate both the removable energy source and conducting portion."

In order to overcome the above-mentioned objection, corrected drawing sheets of Figures 1 and 2 are attached to this Response with the proposed changes marked in red pursuant to 37 CFR 1.121(d). In the corrected drawings,

reference numeral (6) is used to designate the removable energy portion, and reference character numeral (8) is used to designate the conducting portion.

We believe the drawings are now in compliance with 37 C.F.R. 1.84(p)(4) and ask that the objection be overcome and that they be approved by the Examiner.

### **Response to Objection to Claims 5 and 9 based on Informalities**

Please cancel claims 5 and 9 and accept the following rewritten claims in their place:

5. (Amended) An illuminated tap handle comprising:
  - a handle portion with a detachable bottom end and a hollow portion inside the handle that opens up to the detachable bottom end;
  - a light source coupled to the handle portion;
  - a conducting portion coupled to the detachable bottom end;
  - an energy source removeably connectable to the light source and removable from the handle portion;
  - a conducting strip with a first end and a second end;
  - the first end of the conducting strip coupled to the light source;
  - the conducting portion capable of touching the second end of the conducting strip and the energy source when the detachable bottom end is attached to the handle portion; and
  - the detachable bottom end is capable of being secured to a tap.
  
9. (Amended) An illuminated tap handle comprising:
  - a handle portion with a detachable top end and a hollow portion inside the handle that opens up to the detachable top end;
  - a light source coupled to the handle portion;
  - a conducting portion coupled to the detachable end;

an energy source removeably connectable to the light source and removable from the handle portion;  
a flexible conducting strip with a first end and a second end;  
the first end of the flexible conducting strip coupled to the light source;  
the second end of the flexible conducting strip situated between the detachable end and the energy source;  
the detachable top end capable of pressing the flexible conducting strip onto the energy source when it is attached to the handle; and  
the handle portion capable of being secured to a tap.

Marked up versions showing the changes relative to the previous claim versions are attached on a page separate from this amendment entitled "Marked-Up version of Claims 5 and 9 pursuant to 37 CFR 1.121(c)(1)".

### **Response to Objection to the Specification**

The Examiner also objected to the Specification because of two informalities. The first of these informalities is on page 5 of the "Detailed Description of the Drawings" on or about lines 17-18 where drawing reference numerals (5), (6), and (7) were not placed after their corresponding terms. The second informality is on page 6, 2nd to the last line of the Specification where the word "handl" was misspelled.

In order to correct the first of the above two informalities, please delete the first paragraph on page 5 under the "Detailed Description of the Drawings" beginning with "The claimed invention is illustrated.." and ending with "...although it is not limited to the base." Please replace the deleted paragraph with the following unmarked replacement paragraph pursuant to 37 CFR 1.121(b)(1)(ii):

"The claimed invention is illustrated in Figures 1 and 2. In Figure 1, the invention comprises a tap handle portion (1) that has a hollow portion (2) inside to allow for the insertion of a portable energy source and circuitry elements. The handle portion can be of any size, color, decoration, shape, or brand logo or trademark so long as it is capable of connecting to a tap. For example a tap handle could be beveled, decorated with an appropriate trade name, formed to imitate a certain characteristic of the beverage manufacturer, or imbued with any kind of color. Additionally, the handle portion could be constructed from any kind of materials such as Lucite, plastic, glass or any other material preferably ones that allow for the transmission of light. Since this invention is intended primarily as a "freebie" marketing tool, a hard plastic or other inexpensive translucent material is preferred. On the top end of the tap handle is a detachable end (3) that can be removed to allow a portable power source, such as a disposable battery, to be inserted or removed into the handle portion. One means for making the end detachable is through the use of threading (4) on the detachable end enabling it to be threaded onto the handle portion (1). In Figure 1, the detachable end is threaded (4) and fits into a threadable end on the tap handle (5). Contained within the handle portion is a circuit completed by a removable energy source (6), a lighting element (7), a conducting portion (8) on the detachable end, and a conducting strip (9). The energy source is capable of connecting either directly to the lighting element or indirectly through the use of an intermediate conductor (10) when it is placed into the handle portion. The lighting element is coupled to the conducting strip. The conducting strip (9) in Figure 1 is a thin piece of metal capable of acting as a conductor and capable of touching the conducting portion when the conducting portion on the detachable end is threaded onto the handle. In this embodiment, the conducting strip is coupled to the lighting element near the base of the lighting element although it is not limited to the base."

The above replacement paragraph corrects reference numerals (5), (6), and (7) on or about lines 17-18 on page 5 "Detailed Description of the Drawings." A marked up version showing the changes relative to the previous version is attached on a page separate from this amendment entitled "Marked-Up version"

of first paragraph on page 5 under the "Detailed Description of the Drawings" pursuant to 37 CFR 1.121(b)(1)(iii)".

To correct the second of the stated informalities, please delete the 4<sup>th</sup> paragraph on page 6 beginning with "In a further modification..." and ending with "...when it is turned upside down." Please replace the deleted paragraph with the following unmarked replacement paragraph pursuant to 37 CFR 1.121(b)(1)(ii)

"In a further modification to the invention as shown in Figure 2, the bottom of the tap handle (11) is detachable and the conducting portion (6) is inside the detachable portion of the bottom end. The detachable bottom end is a hollow cone with threading on the outside (12) and on the inside (13). The outside threading allows it to be threaded onto the tap spigot and the inside threading allows it to be threaded onto the bottom of the tap handle, which is also threaded. In this embodiment the conducting portion is placed inside the hollow of the detachable portion of the bottom so that once it is threaded onto the handle it is inserted up into the inside of the handle making it capable of touching both the conducting strip and the energy source and completing the circuit. All the other elements of the handle can remain similarly situated as in Figure 2, albeit upside down in the handle. Once the detachable end is partially or completely unthreaded, the circuit is broken and illumination ceases. In any embodiment where the detachable end is on the bottom of the handle, the hollow of the handle that allows for the placement of the removable energy source must be narrow enough such that when the energy source is inserted it is held in place upside down by the close-fitting of the sides of the hollow portion surrounding the energy source. Or, a flexible material portion could be situated on the inside of the hollow of the handle that would press against the energy source and keep it from falling out of the handle when it is turned upside down."

The above replacement paragraph corrects the misspelled word "handl" on page 6 of the Specification, second to the last line and provides further corrections and clarifications. A marked up version showing the changes relative

to the previous version is attached on a page separate from this amendment entitled "Marked-Up version of 4<sup>th</sup> paragraph on page 6 under the "Detailed Description of the Drawings" pursuant to 37 CFR 1.121(b)(1)(iii)."

### **Response to Examiner's 102(b) Rejection based on SCHNEIBLE**

The Examiner rejected claims 5-7 under 35 U.S.C 102(b) as being anticipated by SCHNEIBLE (US 1,225,865). In the rejection the Examiner based part of his rejection on the following analysis of Figure 1:

" 11. SCHNEIBLE discloses an illuminated tap handle (fig.1) comprising: a handle portion (g,e) with a detachable bottom end (a') and a hollow portion inside the handle (g,e) that opens up to the detachable bottom end (a'); a light source (i) coupled to the handle portion (g,e); ..."

We would argue, however, that the claims are patentably distinguishable over the prior art.

First, SCHNEIBLE does not disclose an illuminated tap handle with all of the elements of the present invention. Rather, SCHNEIBLE discloses an electrical advertising device attached to a tap faucet and is illuminated based on the downward actuation of the tap handle. We read Figure 1 references (g,e) of SCHNEIBLE as a "metal cylinder" (Specification, line 28) "carried directly on the faucet" (Specification, line 25) and not the "handle portion" as the Examiner reads it.

In essence, the SCHNEIBLE patent is comprised of a *metal cylinder* that can be threaded directly onto the tap faucet and also houses an energy and light source. The tap handle of SCHNEIBLE *does not have a hollow portion for the insertion of the energy source, only the metal cylinder does*. The tap handle of SCHNEIBLE is no different than any other tap handle and its only use in the SCHNEIBLE patent is to serve as a means for actuating a contact piece on the tap faucet upwards so as to complete a circuit and illuminate the light within the metal cylinder.

Second, and all other arguments notwithstanding, SCHNEIBLE never claims or teaches inserting an energy source into the hollow of a common tap handle. On the contrary, the energy source is inserted into an illuminated advertising device – the metal cylinder - on the tap proper, not the tap handle. It is a necessary element of the present invention to have the energy source inserted in the tap handle in order to accommodate one primary purpose of the present invention, that of providing a means for cheaply manufacturing and lighting the handle for advertisement purposes without the heavy costs associated with creating whole new tap mounts to accommodate one advertising device.

Lastly, the circuitry of the SCHNEIBLE patent consists in Figure 1 of a circuit completed by the downward actuation of a tap handle and is housed in the metal cylinder situated on the tap proper. In Figure 2, the circuit is one that is external to the tap handle ending with a battery source and is then actuated by the pulling of the tap handle.

The circuitry of the present invention is different. The illumination of the handle is created by the insertion of an energy source, like a battery, into the tap handle by removing the top of the handle and once it is inserted and the handle is threaded back onto the handle, the circuit is completed, and the handle is illuminated.

The style of illumination on tap faucets like that of SCHNEIBLE and other art deemed pertinent to the examination of this application misses the simplicity of the present invention. For the present invention, there is no need to alter or modify the tap proper in any way in order to accommodate illumination. The benefit of enclosing the energy source, circuitry, and light source in the handle portion avoids the problems encountered in the SCHNEIBLE patent and provides an easy, low-cost mechanism for advertising.

Therefore, we would argue the present invention is not anticipated by SCHNEIBLE and would request claims 5-7 be allowed.

### **Response to Claim Rejections under U.S.C. §103**

Claim 8 was rejected by the Examiner under §103 as being unpatentable over SCHNEIBLE (US 1,225,865) in view of KEHAT (US 6,021,960). As stated above, we believe the Examiner misread the SCHNEIBLE patent in evaluating it as relevant prior art against the claimed invention. We would, therefore, ask the claims be allowed in light of the previous response to the §102 rejection.



## **Conclusion**

We would ask that the drawings be accepted as formal and entered into the application. We would also ask that the objection to the Specification and the claim rejections be withdrawn in light of the corrections to the misspelled words and the response to the §102(b) and §103 rejections

Please allow claims 1-12 in the above-referenced application and allow it to proceed to issuance.